

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Deloris & Sammy Mays,

Civil No. 06-2924 JRT/FLN

Plaintiffs,

v.

ORDER

Inna Levi,

Defendant.

Delores and Sammy Mays, 1407 Oliver Avenue North, Minneapolis, Minnesota 55411, plaintiffs *pro-se*.

No appearance on behalf of defendant.

Based upon the Report and Recommendation (Docket No. 4) by United States Magistrate Judge Franklin L. Noel dated July 7, 2006, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiffs' application to proceed without prepayment of fees [#2] is DENIED;
- and
2. This action is DISMISSED for lack of subject matter jurisdiction pursuant to Fed.R.Civ.P. 12(h)(3).

DATED: August 7, 2006
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge